

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

Therefore, for the reasons stated in the accompanying memorandum, the Court is requested to dismiss B. Braun of America Inc. and “McGaw, Inc.” from the case.

Dated: January 17, 2006

Respectfully submitted,

/s/ Daniel F. Attridge, P.C.  
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*Counsel for B. Braun of America Inc.*

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of B. Braun of America Inc.'s Motion to Dismiss The State of California's First Amended Complaint in Intervention, and accompanying Memorandum of Law and Affidavit in support thereof, and Proposed Order, has been served on all counsel of record by electronic service pursuant to Paragraph 11 of Case Management Order No. 2 by sending a copy to LEXIS File & Serve for posting and notification to all parties on this 17<sup>th</sup> day of January 2006.

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